

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE CELGENE CORPORATION, INC.  
SECURITIES LITIGATION

Civil Action No. 18-cv-4772 (MEF) (JBC)

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING ADDITIONAL  
SUMMARY JUDGMENT BRIEFING  
AND PRETRIAL ORDER**

Lead Plaintiff and Class Representative AMF Pensionsförsäkring AB (“Plaintiff”) and Defendants Celgene Corporation, Scott Smith, Terrie Curran, and Philippe Martin (“Defendants”) hereby stipulate as follows:

WHEREAS, on September 8, 2023 the Court issued an order granting in part and denying in part Defendants’ Motion for Summary Judgment, and denying without prejudice Defendants’ motion with respect to Defendant Celgene Corporation’s scienter for corporate statements related to Ozanimod, ECF No. 271;

WHEREAS, the Court directed the parties to submit a proposed order with a schedule for additional summary judgment briefing to address the issue of Defendant Celgene Corporation’s scienter for corporate statements related to Ozanimod, and any agreement reached concerning the pretrial order by October 17, 2023, ECF No. 275;

WHEREAS, the parties have agreed to a schedule for additional summary judgment briefing to address the issue of Defendant Celgene Corporation’s scienter for corporate statements related to Ozanimod;

WHEREAS, the parties have met and conferred regarding the preparation of the Final Pretrial Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that, subject to the Court's approval:

1. Defendants shall file their Motion for Summary Judgment, not to exceed twenty-five (25) pages, on the issue of Defendant Celgene Corporation's scienter for corporate statements related to Ozanimod by **October 27, 2023**.
2. Plaintiff shall file its opposition to Defendants' Motion for Summary Judgment, not to exceed twenty-five (25) pages, by **November 17, 2023**.
3. Defendants shall file their reply brief, not to exceed fifteen (15) pages, by **December 8, 2023**.
4. The Final Pretrial Order shall be submitted to the Court no later than sixty (60) days after the Court issues an order on Defendants' Motion for Summary Judgment.
5. The parties agree to use best efforts to prepare those portions of the Final Pretrial Order that are not impacted by Defendants' Motion for Summary Judgment while Defendants' motion is pending. Specifically, the parties agree that Plaintiff will provide Defendants with its proposed stipulations of facts and statement of contested facts related to Otezla, along with Plaintiff's proposed exhibit list and witness list related to Otezla on **December 12, 2023**, and that Defendants will respond with their corresponding portions of the Pretrial Order related to Otezla and any response to Plaintiff's portions on or before **February 12, 2024**.

Dated: October 17, 2023

Respectfully submitted,

/s/James E. Cecchi

/s/Lawrence S. Lustberg

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IT IS SO ORDERED

October 18, 2023

Signed:

A handwritten signature in black ink, appearing to read "J. Clark", written over a horizontal line.

HON. JAMES B. CLARK  
UNITED STATES MAGISTRATE JUDGE